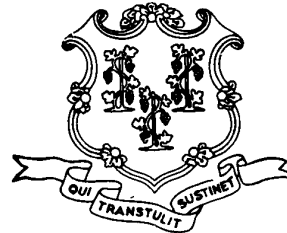


# Department of Consumer Protection



## Testimony of Jonathan A. Harris Commissioner of Consumer Protection

### General Law Committee Public Hearing, March 8, 2016

**H.B. 5433 "AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT  
OF CONSUMER PROTECTION STATUTES"**

**H.B. 5430 "AN ACT CONCERNING THE SALE OF PRIVATELY HELD ALCOHOLIC  
LIQUOR FOR AUCTION"**

**S.B. 313 "AN ACT CONCERNING BIOLOGICAL PRODUCTS"**

Senator Leone, Representative Baram, Senator Witkos, Representative Carter and Honorable Members of the General Law Committee, thank you for the opportunity to offer testimony about House Bill 5433, "An Act Making Minor and Technical Changes to Department of Consumer Protection Statutes," House Bill 5430 "An Act Concerning the Sale of Privately Held Alcoholic Liquor for Auction" and Senate Bill 313, "An Act Concerning Biological Products."

## **H.B. 5433 “AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES**

House Bill 5433 makes minor changes to the Departments statutes, and we very much appreciate the willingness of this Committee to raise this bill and work with us on the proposed language.

The first two sections of this bill make simple and technical changes to sections of the Real Estate Guaranty Fund Statute. The word “trickery” is removed from Sections 20-324a and 20-324e as it is ill-defined for the types of conduct that would allow an aggrieved person to access the Guaranty Fund. Also, Section 2 eliminates the automatic revocation of a broker or salesperson license when the licensee has a Guaranty Fund claim made against it. This would allow for the Real Estate Commission to exercise some discretion in cases where revocation is unwarranted, thus the licensee would be able to continue act as a real estate broker or agent and would have the ability pay back the Guaranty Fund.

Currently, the Coliseum Permit statute only allows for beer to be sold in paper containers. Section 3 of this bill would allow for beer to be sold at coliseums in plastic, aluminum or similar containers.

The purpose of Section 4 of this proposal is to clarify that the continuing education requirements for pharmacists do not apply to the first year of a newly licensed practicing pharmacist. The continuing education requirements and the pharmacist license

renewals were both required annually until P.A. 11-121 changed the license renewal to a biennial requirement. The continuing education requirements are still annual, but the language in Section 20-600 (b), which was intended to wave the first year of continuing education requirements for newly licensed pharmacists, refers to the license renewal, thus causing confusion about whether or not continuing education requirements for these pharmacists are waved for one year or two. This language seeks to clarify that the intention is to wave those requirements for only one year.

Section 5 of this proposal reintroduces a pilot program for alternative electronic retail pricing systems of consumer commodities. A pilot program to enable alternative electronic retail pricing systems previously existed, but ended in 2001. We are currently working with proponents of a similar bill raised by this Committee and will soon have substitute language that makes slight revisions to this language.

Finally, the remaining sections of this bill update the statute related to the Department's oversight of Kosher Foods to make clear that the Department does not itself confirm that a product was prepared in accordance with orthodox Hebrew religious requirements. The same statute existed in New York and was ruled unconstitutional by the U.S. Second Circuit Court of Appeals. As currently drafted, this bill would also require businesses to make appropriate disclosures to consumers with regard to the Kosher practices of the establishment. This section of H.B. 5433 is also a work in progress and we are in discussions with constituents to ensure that we address the

constitutional issue with the statute as well as the needs of the constituencies impacted by the proposed language.

**H.B. 5430 “AN ACT CONCERNING THE SALE OF PRIVATELY HELD ALCOHOLIC LIQUOR FOR AUCTION”**

The Department also thanks the Committee for raising House Bill 5430. The Department requested this proposed legislation to allow for the resale of privately owned liquor at local auctions because there is currently no legal way for individuals or estates of individuals to resell alcoholic liquor. As a result, some larger Connecticut estates auction off those items across the state boarder in New York. This bill attempts to enable municipalities to issue local auction permits to address this issue. However this bill as drafted is too broad and the Department is working on substitute language to ensure that this type of resale can only be conducted with a local auction permit.

The Department respectfully requests the Committee’s support to amend this proposal as well as the above-mentioned sections of H.B. 5433, and to vote favorably to move these bills to the next stage of the legislative process.

**S.B. 313 “AN ACT CONCERNING BIOLOGICAL PRODUCTS”**

The Department of Consumer Protection is working with the proponents of this bill to ensure patient safety isn’t compromised as more biological drugs are introduced to the market. At this point, we still have concerns with the bill as drafted.

First, in Subsection (a)(4), we want to ensure that Interchangeable drugs are being held to the highest standard of interchangeability so that they are effectively the same composition as the prescribed biologic. The similarity of interchangeable biological products to brand name biological products should be as close as possible to the similarity of chemical drugs and their generic counterparts.

We are also concerned that Subsection (d) in this draft does not require that the pharmacist alerts the physician electronically or in writing, and at least verbally notifies the patient, prior to filling an interchangeable rather than the prescribed biologic product. Prior notification to the physician will help to ensure that any potential contraindications or any possible negative outcomes are addressed prior to the administration of the medication.

Finally, in Subsection (l) we recommend that the pharmacist be required to enter the prescription for the biologic into the existing Prescription Monitoring Program (PMP) system rather than one of the four systems listed in the bill as drafted. The PMP system is secure and accessible only to prescribers and pharmacists. Every pharmacy in the state that dispenses controlled substances already uploads into the system, and every physician and pharmacist already has access to this system. By requiring that biologics be uploaded into the PMP, doctors and pharmacists will be better equipped to track a patient's prescription history and determine whether there would be any contraindications and or any possible negative outcomes.

Again, we are working with the proponents of this bill to ensure that these potential patient safety issues are addressed, but until we resolve these issues, we cannot support this proposed legislation.

Thank you again for the opportunity to provide testimony. Please contact Leslie O'Brien, the Department's Legislative Director, if you have any questions.